

**STATE OF ILLINOIS  
ILLINOIS STATE POLICE MERIT BOARD**

**IN THE MATTER OF**

**SERGEANT WAYNE WYNN  
I.D. # 4545**

**Illinois State Police Merit Board  
Docket No. 18-04**

**DECISION**

A Complaint was filed with the Merit Board on April 12, 2018, by Leo P. Schmitz, Director of the Illinois State Police, requesting that Sergeant Wayne Wynn be terminated from employment with the Illinois State Police. Mr. Mark Mifflin was appointed to serve as the Hearing Officer. No hearing was held.

This matter comes before the Illinois State Police Merit Board for consideration on the JOINT MOTION TO DISMISS submitted by both parties. On January 15, 2019, the Board, by unanimous decision, voted to grant the JOINT MOTION, and dismiss this matter.

The Merit Board grants the JOINT MOTION TO DISMISS, which is attached to this Decision, and adopts and incorporates it herein. The facts stipulated show the Respondent is no longer employed by the Illinois State Police and therefore this matter is moot. It is, therefore, the unanimous decision of the Board to dismiss this matter with prejudice.

\_\_\_\_\_  
Reeve Waud, Chairman  
Illinois State Police Merit Board

**DATED: January 15, 2019**

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NOV 19 2018

ILLINOIS STATE POLICE  
MERIT BOARD

ILLINOIS STATE POLICE MERIT BOARD  
OF THE STATE OF ILLINOIS

In Re the Matter Of:

SERGEANT WAYNE WYNN  
I.D. 4545

DOCKET NO. 18-4

JOINT MOTION TO DISMISS

Now comes LEO SCHMITZ, Director, Illinois State Police, by his attorney, Lisa Madigan, Attorney General of the State of Illinois, and Assistant Attorney General William Siders, and Respondent WAYNE WYNN, by his attorney, Bruce R. Bialorucki, and respectfully request that the Illinois State Police Merit Board dismiss this matter as moot. In support thereof, the parties state as follows:

1. Respondent, Wayne Wynn, retired from the Illinois State Police effective October 23, 2018. A copy of the parties amended Officer Action Request Agreement (Retirement) is attached hereto as Exhibit 1. Respondent, Wayne Wynn, was formerly employed by the department and held the rank of Sergeant, ID number: 4545.


2. Due to the fact that Respondent has retired from the department, he is no longer employed as an Illinois State Police officer, and therefore this matter should be dismissed with prejudice as moot.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this matter be dismissed with prejudice as moot.

LEO SCHMITZ, Director  
Illinois State Police

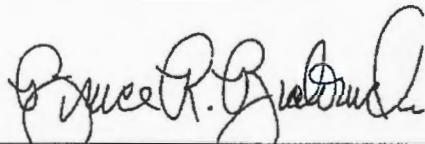
WAYNE WYNN, Respondent

By



William Siders  
Assistant Attorney General  
100 W. Randolph St., 13<sup>th</sup> Fl.  
Chicago, IL 60601  
312/814-4450

By



Bruce R. Bialorucki  
Troopers Lodge #41  
5880 S. Sixth St. Rd.  
Springfield, IL 62703  
217/529-4104

**PROOF OF SERVICE**

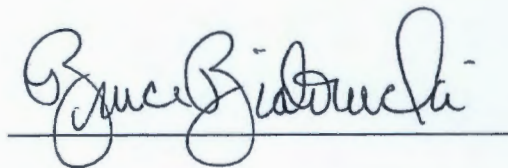
The undersigned hereby certifies that a copy of the Joint Motion to Dismiss was mailed to the following at the last known address of:

Illinois State Police Merit Board  
531 Sangamon Avenue East  
Springfield, IL 62702

R. Mark Mifflin  
Hearing Officer  
PO Box 2117  
Springfield, IL 62705

Assistant Attorney General William Siders  
Office of the Attorney General  
500 S. 2<sup>nd</sup> Street  
Springfield, IL 62706

by enclosing the same in an envelope addressed to them as shown above, with postage fully prepaid, and by depositing said envelope in a U.S. Post Office Mail Box in Springfield, Illinois, on this 19<sup>th</sup> day of November 2018.

A handwritten signature in cursive script, reading "Bruce Bialorucki", is written over a horizontal line.

BRUCE BIALORUCKI  
Lodge Counsel  
Troopers Lodge #41, FOP  
5880 South Sixth Street Rd.  
Springfield, IL 62703  
Telephone: 217/529-4104

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**ILLINOIS STATE POLICE  
MERIT BOARD**



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19 2018  
ILLINOIS STATE POLICE  
MERIT BOARD

ILLINOIS STATE POLICE  
OFFICER ACTION REQUEST

AMENDED

Forward completed form through chain of command to the Public Safety Shared Services Center 15 days PRIOR to effective date.

PART A - must complete all boxes

Last NAME: Wynn	First Earl	M/I W	ID#: 4545	TRANSACTION EFFECTIVE DATE: 10/24/18
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PART B - PERMANENT ASSIGNMENT - must complete all boxes

RANK: SGT.	WORKING TITLE (if applicable): N/A	SALARY LEVEL: 5	PAY CODE: 21025	COST CENTER: 009
DIVISION: DOO	BUREAU DISTRICT: 09	UNIT: Patrol	PLATOON: 2	WORK COUNTY: Sangamon

PART C - NEW OR TEMPORARY ASSIGNMENT - must complete all boxes

RANK: NA	WORKING TITLE (if applicable): NA	SALARY LEVEL: NA	PAY CODE: NA	COST CENTER: NA
DIVISION: NA	BUREAU DISTRICT: NA	UNIT: NA	PLATOON: NA	WORK COUNTY: NA

PART D - ACTION REQUESTED - check all applicable

<input type="checkbox"/> Address/Phone/Name Change (Use Comments)	<input type="checkbox"/> Promotion
<input checked="" type="checkbox"/> Departure - Type: Retirement	<input type="checkbox"/> Temporary Assignment
<input type="checkbox"/> Designated Salary (Explain in comments)	Through Date: _____
<input type="checkbox"/> Leave of Absence - Type: _____	<input type="checkbox"/> Temporary Assignment Extension
Through Date: _____	Through Date: _____
<input type="checkbox"/> Leave Extension - Through Date: _____	<input type="checkbox"/> Temporary Assignment Termination
<input type="checkbox"/> Leave of Absence Return	<input type="checkbox"/> Transfer (Between divisions, districts/bureaus or units)
<input type="checkbox"/> Military - Type: _____	<input type="checkbox"/> Other (Specify in comments)
Through Date: _____	
(Indicate daily 508 codes - A or C)	

COMMENTS (Brief description of action to be taken.):

Sgt. Wynn Will retire COB 10/23/2018. This is an amended OAR from his previous OAR dated 11/01/2018.

ILLINOIS STATE POLICE  
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OCT 25 2018  
OPERATIONS DIVISION  
PERSONNEL LIAISON

PART E - SIGNATURES

OFFICER SIGNATURE: <i>[Signature]</i>	DATE: 10/23/18
COMMANDER SIGNATURE: <i>[Signature]</i>	DATE: 10/23/18
COLONEL SIGNATURE FOR PART B: <i>[Signature]</i>	DATE: 10/25/18
COLONEL SIGNATURE FOR PART C (if applicable):	DATE: _____
DIRECTOR SIGNATURE: <i>[Signature]</i>	DATE: 10/26/18

EXHIBIT

ICB 9.04 (1/14)

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**APR 12 2018**

**ILLINOIS STATE POLICE  
MERIT BOARD**

**STATE OF ILLINOIS**

**ILLINOIS STATE POLICE MERIT BOARD**

**IN THE MATTER OF:**

**SERGEANT EARL W. WYNN, JR.**

**I.D. No. 4545**

**[REDACTED]**

**[REDACTED]**

**[REDACTED]**

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**Illinois State Police**

**Merit Board No. 18- 4**

**COMPLAINT**

NOW COMES Leo P. Schmitz, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

**COUNT I**

**FAILURE TO TRUTHFULLY ANSWER QUESTIONS**

**IN AN ADMINISTRATIVE INTERVIEW (SERS INCIDENT)**

1. Earl J. Wynn, Jr. (Respondent) is employed as a State Police Officer by the Illinois State Police (Department). Respondent holds the rank of Sergeant and has an adjusted seniority date of June 6, 1994. At all times relevant to this Complaint, Respondent was assigned to the Division of Operations in District 9 and worked at the District 9 Headquarters in Springfield, Illinois.
2. On October 11, 2017, Respondent attended a State Employees' Retirement System (SERS) Seminar, which lasted from 8:00 a.m. to 4:00 p.m., at 2101 South Veterans Parkway, Springfield, Illinois.

f. That on his trip home from the SERS seminar he did not stop at the Menard County Fairgrounds, when a review of the Respondent's squad car footage shows that he drove to the Menard County Fairgrounds which was 6 miles away from and not a direct route to his residence, stopped his vehicle for a short time, and then drove around the fairgrounds at a time when he did not have an official reason to be there, and then continued his route to his residence.

13. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, "Rules of Conduct," Paragraphs III.A.41.c., which states:

"Officers are required to truthfully answer questions by, or render material and relevant statements to, competent authority in a Department personnel investigation when said officer: is the subject of the investigation and has been advised of his/her statutory administrative proceedings rights if the allegation indicates that a recommendation for demotion, suspension of more than 15 days or discharge from the Department is probable."

**(First Offense-Level 7 Misconduct, Up to Termination)**

Respondent violated this rule in that on December 12, 2017, he made the following untruthful statements during a Department personnel investigation:

- a. That he was ill on October 11, 2017, causing him to leave the SERS seminar early,
- b. That he used the restroom at the SERS building for five to ten minutes before leaving,
- c. That he sat in his squad car in the SERS parking lot for five to ten minutes before leaving,
- d. That he stopped at a turnabout near Illinois Route 97 and Illinois Route 125,
- e. That he stopped at New Salem State Park,
- f. That there were farm tractors impeding traffic on the way to his residence,
- g. That he did not drive to the Menard County Fairgrounds, and
- h. That he arrived at his residence between 4:00 p.m. and 4:30 p.m.

## COUNT II

### KNOWINGLY SUBMITTING AN UNTRUTHFUL REPORT (SERS INCIDENT)

1.-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12., inclusive, of Count II as if fully set out herein.



14. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, "Rules of Conduct," Paragraphs III.A.33., which states:

"Reports submitted by officers will be truthful and complete, and no officer will knowingly make false statements, charges or allegations in connection with any Department citations, warnings, assistance rendered, accident reports, field reports, investigative reports, computer entries or by any other means that creates an official record of the Department."

**(First Offense-Level 5 Misconduct, 60-90 Day Suspension)**

Respondent violated this rule in that on October 11, 2017, he submitted a memorandum to his supervisor which contained the following statements, each of which is not true:

- a. When he stated that he was ill and went to the SERS building restroom to "get sick,"
- b. That he then entered his squad car and sat there for a while,
- c. That he stopped his vehicle near Illinois Route 97 and Illinois Route 125 on his route home,
- d. That there was "slow moving traffic" and "tractors" impeding traffic on his ride home, and
- e. That he arrived at his residence at approximately 4:30 p.m.

**COUNT III**  
**FAILURE TO TRUTHFULLY ANSWER QUESTIONS OF A SUPERIOR**  
**OFFICER RELATING TO THE SCOPE OF HIS EMPLOYMENT (SERS**  
**INCIDENT)**

- 1.-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12., inclusive, of Count III as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, "Rules of Conduct," Paragraphs III.A.40., which states:

"Upon the order of the Director, Colonel, or a superior officer, officers will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them."

**(First Offense-Level 4 Misconduct, 31-45 Day Suspension)**

In October 2017, Sergeant Wynn failed to truthfully answer questions to his supervisor when questioned about leaving the SERS Seminar early on October 11, 2017, when he told his supervisor via text message that he became "sick" during the seminar, when he stated he sat outside in his squad car until he felt well enough to drive home, when he stated he did

not leave the seminar until between 3:30 and 4:00 p.m., and when he further stated he did not arrive at home until 4:30 p.m. and stated he worked a full 10-hour shift.

#### COUNT IV

##### FALSELY REPORTING AN ILLNESS

- 1.-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12.. inclusive, of Count IV as if fully set out herein.
16. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, "Rules of Conduct," Paragraphs III.A.10., which states:

"Officers will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Department or any other government agency or individual authorized to conduct such an inquiry as to the condition of their health."

##### **(First Offense-Level 2 Misconduct, 4-10 Day Suspension)**

Respondent violated this rule in that on October 11, 2017, he left a SERS seminar early, then advised his supervisor via text message that he left the seminar early due to an illness that caused him to spend "five to ten minutes" in the SERS bathroom and "five to ten minutes" sitting in his squad car in the SERS parking lot waiting for his stomach to "settle down."

## COUNT V

### LEAVING AN ASSIGNED DUTY POST WITHOUT RECEIVING

#### AUTHORIZATION FROM A SUPERVISOR

- 1.-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12, inclusive, of Count V as if fully set out herein.
17. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, "Rules of Conduct," Paragraphs III.A.9., which states:

"Officers will report for duty at the time and place required or report their inability to do so by notifying their supervisor or the appropriate headquarters office at least one hour prior to the beginning of their tour of duty. Officers will not leave their assigned duty post during a tour of duty except when authorized by proper authority. Officers will report for duty physically and mentally fit to perform their duties or will immediately report to their supervisor any physical and/or mental condition(s) that would prevent them from performing their duties. They will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas will constitute an order to report for duty under III.A.9."



**(First Offense-Level 1 Misconduct, Reprimand – Three Days Suspension).**

On October 11, 2017, Sergeant Wynn left his assigned duty post when he left the SERS Seminar and failed to return to work or to utilize accrued time without receiving authorization from his supervisor and did not notify his supervisor that he was not physically able to perform his duties.

**COUNT VI**

**CONDUCT UNBECOMING AN OFFICER**

- 1.-12. Paragraphs 1. through 12., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 12, inclusive, of Count VI as if fully set out herein.
18. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, "Rules of Conduct," Paragraphs III.A.7., which states:

"Officers will conduct themselves on and off duty in such a manner as to reflect favorably on the Department. Officers will not engage in conduct that discredits the integrity of the Department or its employees, or that impairs the operations of the Department. Such actions will constitute conduct unbecoming an officer."

**(First Offense-Level 1 Misconduct, Reprimand – Three Days Suspension).**

Respondent violated this rule in that on October 11, 2017, he left a SERS seminar early without obtaining prior approval from a supervisor, without

utilizing accrued time, and then untruthfully notified his supervisor that he had worked a full 10-hour shift despite only working approximately 8.5 hours.

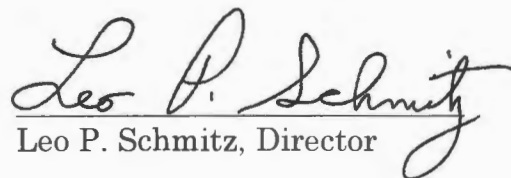
### CERTIFICATION

A copy of Illinois State Police Department Directive ROC-002, "Rules of Conduct," is provided in the incorporated attachment and is certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

### CONCLUSION

**WHEREFORE**, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and terminate Respondent from employment with the Illinois State Police.

Respectfully submitted,

  
Leo P. Schmitz, Director

Illinois State Police  
801 South Seventh Street, Suite 1100-S  
Springfield, Illinois 62703

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